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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/829,764

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Mark Wycherley

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EXAMINER

DEAN, RAYMOND S

ART UNIT

PAPER NUMBER

2684

121

DATE MAILED: 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/829,764

Applicant(s)

WYCHERLEY ET AL.

Examiner

Raymond S Dean

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 - 16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 3, 7, and 10 –16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews (5,911,121) in view of Slipy et al. (5,848,152).

Regarding Claim 1, Andrews teaches a removable housing cover adapted to be detachably connectable to a portable radio communication device with a plurality of operating characteristics, the removable housing cover comprising: an identity means for identification of the removable cover (Figure 2, Column 3 lines 24 – 40, program selector is the identity means); an attaching means for removably attaching the cover to the portable radio communication device (Figure 2, Column 3 lines 24 – 40, since the front cover is interchangeable there is an inherent attaching means) and the portable radio communication device comprising: a sensor for sensing the identity means of the removable cover (Figure 2, Column 3 lines 32 – 37, the detection circuit is the sensor); and a processor for controlling the operating characteristics of the device, the arrangement being such that in use the removable housing cover is mounted on the portable radio communication device and the sensor senses the identity means and

outputs a sensed parameter of the identity means to the processor, wherein the processor is responsive to the sensed parameter so as to change selected ones of the operating characteristics of the portable radio communication device (Column 3 lines 24 – 40).

Andrews does not teach a user-removable housing cover thus allowing said user to customize said radio communication device.

Slipy teaches a user-removable housing cover thus allowing said user to customize said radio communication device (Figure 2, Column 4 lines 49 – 58).

Andrews and Slipy both teach a mobile phone with a removable front cover thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the user-removable housing cover taught in Slipy in the mobile phone of Andrews for the purpose of creating a unique appearance that satisfies a user's personal tastes and preferences.

Regarding Claim 2, Andrews in view of Slipy teaches all of the claimed limitations recited in Claim 1. Andrews further teaches wherein the portable radio communication device is provided with a plurality of pre-defined and pre-stored operating characteristic configurations, and the processor is operable to change the operating characteristics of the portable radio communication device by selecting one of the predefined and pre-stored configurations in accordance with a corresponding pre-defined sensed parameter of the identity means (Column 3 lines 24 – 40).

Regarding Claim 3, Andrews teaches all of the claimed limitations recited in Claim 2. Andrews further teaches wherein the identity means causes the processor to

change the operating characteristics of the portable radio communication device by selecting one or more of the plurality of operating characteristics pre-defined and pre-stored on the portable radio communication device (Column 3 lines 24 – 40).

Regarding Claim 7, Andrews in view of Slipy teaches all of the claimed limitations recited in Claim 1. Andrews further teaches wherein the identity means comprises one or more mechanical pegs and the sensor comprises contacts operable to sense the presence or absence of pre-defined combinations of said one or more pegs (Figure 3, Figure 4, Column 3 lines 41 – 67, Column 4 lines 1 – 22, the jumper pins are the pegs).

Regarding Claim 10, Andrews in view of Slipy teaches all of the claimed limitations recited in Claim 1. Andrews further teaches wherein the operating characteristics of the portable radio communication device comprise one or more of: ring tones and/or musical alerts; animations/screen savers; mode; bookmarks and/or browser preferences; phone memory preferences; games and/or game elements; UI screen colors and/or UI style; input method; audio set-up; default messages; display language; agents and/or agent set-up; security keys; push message filters and/or accounts; enabling of set-up and/or configuration settings; sensor weighting; outgoing call restrictions (Column 6 lines 58 – 67, Column 7 lines 1 – 21, musical alerts fall under the category of the alert feature).

Regarding Claim 11, Andrews teaches a removable housing cover for a portable radio communication device with a sensor, the housing cover comprising: an attaching means for removably attaching the cover to the portable radio communication device (Figure 2, Column 3 lines 24 – 40, since the front cover is interchangeable there is an

inherent attaching means); an identity means, such that, when the housing cover is mounted on the portable radio communication device, the identity means is coupled with the sensor of the portable radio communication, wherein the internal functionality of the portable radio communication device is dependent on the identity means (Figure 2, Column 3 lines 24 – 67, Column 4 lines 1 – 22, the program selector is the identity means, the detection circuit is the sensor).

Andrews does not teach a user-removable housing cover allowing said user to customize the portable radio communication device.

Slipy teaches a user-removable housing cover allowing said user to customize the portable radio communication device (Figure 2, Column 4 lines 49 – 58).

Andrews and Slipy both teach a mobile phone with a removable front cover thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the user-removable housing cover taught in Slipy in the mobile phone of Andrews for the purpose of creating a unique appearance that satisfies a user's personal tastes and preferences.

Regarding Claim 12, Andrews in view of Slipy teaches all of the claimed limitations recited in Claim 11. Andrews further teaches wherein the identity means has associated with it a profiles setting indicative of a predefined operation state of the device, such that mounting the cover on a portable radio communications device changes the profiles setting of the device in accordance with the profile setting associated with the cover (Column 3 lines 24 – 40).

Regarding Claim 13, Andrews teaches all of the claimed limitations recited in Claim 12. Andrews further teaches wherein a selected removable cover having an associated profiles setting is in use located on the portable radio communication device and controls the operating characteristics of the portable radio communication device so as to be set to the corresponding profiles setting (Column 3 lines 24 – 40).

Regarding Claim 14, Andrews in view of Slipy teaches all of the claimed limitations recited in Claim 1. Andrews further teaches wherein the removable cover carries indicia and graphics thereon, and the removable housing cover covers all or a part of the radio communication device (Figure 2, Figure 6, Figure 8, there are graphics and indicia).

Regarding Claim 15, Andrews teaches a portable radio communication device having a removable housing cover, the portable radio communication device comprising: a sensor (Figure 2, Column 3 lines 24 – 40, the detection circuit is the sensor); and a processor for controlling the operating characteristics of the device, and the removable housing cover comprising an identity means (Figure 2, Column 3 lines 24 – 40, the program selector is the identity means) and an attaching means, wherein the removable housing cover being configured to be mounted on and removably attached to the portable radio communication device (Figure 2, Column 3 lines 24 – 40, since the front cover is interchangeable there is an inherent attaching means), in which arrangement the sensor of the portable radio communication device is operable to sense the identity means of the removable housing cover and provide an input to the processor of a sensed feature of the identity means, such that the processor is

controlled to alter one or more of the operating characteristics in accordance with the sensed feature of the identity means (Column 3 lines 24 – 67, Column 4 lines 1 – 22).

Andrews does not teach a user-removable housing cover.

Slipy teaches a user-removable housing cover (Figure 2, Column 4 lines 49 – 58).

Andrews and Slipy both teach a mobile phone with a removable front cover thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the user-removable housing cover taught in Slipy in the mobile phone of Andrews for the purpose of creating a unique appearance that satisfies a user's personal tastes and preferences.

Regarding Claim 16, Andrews in view of Slipy teaches all of the claimed limitations recited in Claim 15. Andrews further teaches wherein the portable radio communication device includes a plurality of the pre-defined operating characteristics each of said operating characteristics being associated with a corresponding profiles setting, and wherein a plurality of removal covers are associated with respective profiles setting, such that installation of one of the plurality of removable covers on the portable radio communication device activates the corresponding profiles setting (Column 3 lines 24 – 40).

3. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews (5,911,121) in view of Slipy et al. (5,848,152) and in further view of Hoshino (US 6,285,891 B1).

Regarding Claim 4, Andrews in view of Slipy teaches all of the claimed limitations recited in Claim 1. Andrews further teaches whereby the identity means causes the processor to change the operating characteristics of the portable radio communication device by selecting one or more of the plurality of said operating characteristic configurations (Column 3 lines 24 – 40).

Andrews in view of Slipy does not specifically teach an identity means that is provided with a plurality of pre-defined and pre-stored operating characteristic configurations for the portable radio communication device and a sensor that comprises a reader for reading said operating characteristics of said identity means.

Hoshino teaches a storage means for storing pre-defined and pre-stored operating characteristic configurations for a portable radio communication device and a reader for reading said operating characteristics (Column 3 lines 34 – 47, when the mode selection button is activated a pre-stored configuration is obtained from the operation condition storing unit thus there is an inherent reader of said pre-stored configuration).

Andrews in view of Slipy and Hoshino teach portable radio communications devices thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the storage means and reader taught above in Hoshino in the mobile phone of Andrews in view of Slipy for the purpose of enabling a plurality of operation conditions of communication functions corresponding to a particular operation mode suitable for a user's environment to be simultaneously changed with ease.

Regarding Claim 9, Andrews in view of Slipy teaches all of the claimed limitations recited in Claim 1. Andrews does not specifically teach an identity means comprising a memory or processor chip and a sensor that comprises a reader for reading said memory or processor chip.

Hoshino teaches a memory and a reader for reading said memory (Column 3 lines 34 – 47, since this is a storage unit there is an inherent memory, when the mode selection button is activated a pre-stored configuration is obtained from the operation condition storing unit thus there is an inherent reader of said pre-stored configuration).

Andrews in view of Slipy and Hoshino teach portable radio communications devices thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the memory and reader taught above in Hoshino in the mobile phone of Andrews in view of Slipy for the purpose of enabling a plurality of operation conditions of communication functions corresponding to a particular operation mode suitable for a user's environment to be simultaneously changed with ease.

4. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews (5,911,121) in view of Slipy et al. (5,848,152) and in further view of Hall et al. (US 6,356,543 B2).

Regarding Claim 5, Andrews in view of Slipy teaches all of the claimed limitations recited in Claim 1. Andrews in view of Slipy does not specifically teach an identity means that allows the portable radio communication device to access a pre-determined

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server or network and to download therefrom data comprising operating characteristic configurations for the portable radio communication device.

Hall teaches a method of allowing a portable radio communication device to access a pre-determined server or network and to download therefrom data comprising operating characteristic configurations for said portable radio communication device (Figure 1, Column 1 lines 42 – 56, Column 3 lines 49 – 67, Column 4 lines 1 – 15).

Andrews in view of Slipy and Hall teach portable radio communications devices thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the downloading method taught in Hall in the portable radio communications device of Andrews in view Slipy for the purpose of enabling mobile users to conveniently view and obtain the exact services they desire for their mobile phones.

Regarding Claim 6, Andrews in view of Slipy and in further view of Hall teaches all of the claimed limitations recited in Claim 5. Hall further teaches a pre-determined server or network that corresponds to an Internet website (Figure 1, Column 1 lines 42 - 56).

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews (5,911,121) in view of Slipy et al. (5,848,152) and in further view of Aranovich (6,104,168).

Regarding Claim 8, Andrews in view of Slipy teaches all of the claimed limitations recited in Claim 1. Andrews in view of Slipy does not teach wherein the identity means

comprises an electrical resistance means and the sensor comprises a potential divider operable to sense the electrical resistance means.

Aranovich teaches an electrical resistance means and a potential divider operable to sense the electrical resistance means (Figure 3, Column 5 lines 16 – 17).

Andrews in view of Slipy and Aranovich (Column 5 lines 21 – 24) teach a mobile phone thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the electrical resistance means and potential divider taught in Aranovich in the mobile phone of Andrews for the purpose enabling said mobile phone to be properly charged.

Conclusion

6. Any inquiry concerning this communication should be directed to Raymond S. Dean at telephone number (703) 305-8998.

If attempts to reach examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology center 2600 only)

Hand – delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to


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the status of this application or proceeding should be directed to the Technology Center

2600 Customer Service Office whose telephone number is (703) 306-0377


NICK CORSARO
PATENT EXAMINER

